

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

—

WRIT PETITION NO : 16671 of 2005

Between:

The Toddy Tappers Co-operative Society,
Zaheerabad Vilalge and Mandal,
Medak District, rep. by its President
V. KRishna Moha Goud, S/o Vittal Goud,
R/o Zaherabad Village and Mandal.

...PETITIONER

AND

The Prohibition & Excise Superintendent,
Medak District at Sangareddy.

....RESPONDENT

* * * *

ORDER:

Challenging the suspension order dated 25-5-2005 suspending the licence of Toddy shop No. 3 at Premises No. 3-3-96/2/3, National High Way Zaheerabad on the basis of the alleged inspection of premises No. 1-1-131, Ward No.1 Manikprabhu Mohella, Zaheerabad, the present writ petition has been filed.

2. The learned counsel for the petitioner contended that originally, licence was granted to the petitioner to establish a toddy shop for sale of toddy in the premises bearing H.No.1-1-131, Ward No.1, Manikprabhu Mohella, Zaheerabad. However, the said toddy shop has been shifted to the house bearing No.3-3-96/2/3 at Dattagiri Colony, near National High Way, Zaheerabad and therefore, at the time of inspection of excise officials, the toddy shop of the petitioner does not exist in the premises No.1-1-131, Ward No.1, Manikprabhu Mohella, Zaheerabad. But, the excise officials conducted spot test of the toddy found in the old premises of shop No.3 and came to the prima facie conclusion that it contained Chloral Hydrate. Samples have been taken and one such sample sent to analysis. Pending enquiry, the licence of toddy shop No.3 of the petitioner has been suspended.

3. Since there is a prima facie case of adulteration, the order of suspension cannot be said to be illegal and arbitrary. However, till today, according to the learned counsel for the petitioner, there is no progress in enquiry after suspension order. Therefore, the contention raised by the petitioner is a question of fact to be decided and determined in the enquiry itself.

4. Therefore, without going into merits of the case, the writ petition is disposed of directing the second respondent to complete the enquiry within one month from the date of receipt of a copy of this order, after giving reasonable opportunity to the petitioner.

5. Accordingly, the writ petition is disposed of. No costs.

K.C.BHANU,J.

Date: 31st August 2005.

BSB